IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER ST.NO. 6757 OF 2005

Prafulla Jaya Shetty. ... Appellant.

Versus.

Municipal Corporation of Gr.Mumbai. ... Respondents.

Shri Chaudhari i/by M/s.Prakash & Co. for the Appellant.

Shri F.J.Bhor for the Respondents.

CORAM : ABHAY S. OKA, J.

DATED : 24th March, 2005.

P.C.:

1. The learned Counsel for the Appellant states that yesterday i.e. 23rd March 2005 the Articles of the Appellant which were lying in the suit premises have been taken away by her and the possession of the premises is handed over to the Respondent-Corporation. He states that a letter of allotment in respect of the alternative premises is also received by the Appellant. The learned Counsel appearing for the Appellant submitted that though letter of allotment is issued, the entitlement of the Appellant is for more area. If that is so, it is for the Appellant to take appropriate proceedings in that behalf.

2. In so far as the present Appeal is concerned, it arises out of the Notice of Motion in which limited prayer was made for protecting possession of the suit

premises. As possession of the suit premises is handed over to the Respondent-Corporation, nothing survives in the Appeal from Order. The Appeal from Order is, therefore, dismissed with no order as to costs.

3. As regards the grievance relating to the area of the premises offered by the Respondent-Corporation to the Appellant is concerned, it is for the Appellant to take out appropriate proceedings in that behalf.

4. Parties to act on authenticated copy of this order.

Judge.